

Title 16

SUBDIVISIONS

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Chapter 16.04 GENERAL PROVISIONS

Sections:

- 16.04.010 Land to be subdivided before recording.
- 16.04.020 Appeal.

16.04.010 Land to be subdivided before recording.

A. From the effective date of this chapter, no person shall subdivide any tract of land which is located wholly or in part within the Town of Springerville, Arizona, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the above-described territory, nor shall any person offer for recording any deed conveying a parcel of land or any interest therein unless he or she shall first have or cause to have made a plat thereof, which plat shall be approved by the council and recorded in the office of the recorder of the county of Apache before such sale or exchange or purchase is affected. The approval of the final plat shall be obtained by complying with all of the requirements of this chapter.

B. Land lying within three miles of the corporate limits of the town is subject to provisions of Chapter 16.24 and to the subdivision ordinance of the county of Apache, Arizona.

C. For any subdivision that consists of ten or fewer lots, tracts or parcels, each of which is of a size as prescribed by the legislative body, the legislative body of each municipality may waive the requirement to prepare, submit and receive approval of a preliminary plat as a condition precedent to submitting a final plat and may waive or reduce infrastructure standards or requirements except for improved dust-controlled access and minimum drainage improvements pursuant to Arizona Revised Statutes 9-463.01(M). (Ord. 2006-009 § 2; Ord. 40C § 1 (part), 1973: prior code § 15-1)

16.04.020 Appeal.

Where the subdivider can show that the application of these regulations will result in an unnecessary hardship, or where the subdivider alleges that there is error in any requirement made by the planning and zoning commission or administrative officer in the administration of these regulations, he or she may appeal to the council. The appeal shall be made in writing, setting forth the particulars and reasons for the appeal. The council may then approve or disapprove, or may approve the subdivision with modifications where a literal enforcement of these regulations would cause hardship upon the subdivider which is unnecessary to carry out the spirit and purpose of the comprehensive plan or this chapter. (Ord. 40C § 1 (part), 1973: prior code § 15-8)

Chapter 16.08 DEFINITIONS

Sections:

16.08.010 Definitions.

16.08.010 Definitions.

In this chapter unless the context requires otherwise:

“Access” means rights-of-way provided by means of recorded easements for the right of egress and ingress and/or utilities in perpetuity, where access is required over the property of others. Access may be provided by public or private streets (minimum fifty (50) foot width) or easements/alleys (minimum thirty (30) foot width) as stipulated in this chapter.

“Arterial street” means a street, existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated as a major street on the comprehensive plan.

“Collector street” means a street, existing or proposed, which is supplementary to an arterial street and serves or is intended to serve, between neighborhoods or areas within the town.

“Easement” means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

“Engineering drawings” mean drawings showing typical cross sections of streets and the details of location and size of sidewalks, curb and gutters, storm sewers, water and sewer mains, and other improvements to be installed within the subdivision.

“Final plat” means a map or chart of the land division which has been accurately surveyed and such survey marked on the ground, so that streets, alleys, blocks, lots and other divisions thereof are identified.

“Intervening property” means property located between the existing service facility and the territory within the subdivision.

“Land split” means the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease. The sale or exchange of parcels of land to or between adjoining property owners is not considered a land split if such sale or exchange does not create additional lots.

“Large scale development” means a tract of land which is planned and developed as a single entity wherein the requirements applying to all buildings and improvements are modified to conform to the approved plan and wherein the streets, driveways, parks and other common properties are maintained by the owners of the lots.

“Lot” means any lot, parcel, tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds, that is occupied or intended for occupancy by a use permitted in the zoning regulations of the town of Springerville.

“Metes and bounds” means the description of a lot or parcel of land by courses and distances.

“Minor land division” means a division of land into two or three lots not resulting in a “subdivision” or “subdivided lands” as defined in ARS 9-463.02. The sale or exchange of parcels of land to or between adjoining property owners is not be considered a minor land division if such sale or exchange does not create additional lots.

“Minor street” means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves, or is intended to serve, the local needs of a neighborhood.

“Off-site facilities” means facilities designed or located so as to serve other property outside of the boundaries of the subdivision usually lying between the development and existing facilities.

“On-site facilities” means facilities installed within or on the perimeter of the subdivision.

“Oversized facilities” means facilities with added capacity designed to serve other property, in addition to the land within the boundaries of the subdivision or development site.

“Preliminary plan” means a map or chart of a proposed land division prepared in accordance with the provisions of this chapter.

“Planning and zoning commission” means the duly appointed planning and zoning commission of the town.

“Subdivider” means any person or legal entity laying out or making a land division for the purpose of sale, offering for sale, or selling for himself or others a subdivision or any part thereof.

“Subdivision” or “subdivided lands” means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, or for cemetery purposes, whether immediate or future, into four or more lots or parcels. This paragraph shall not apply to the division or proposed division of land into lots or parcels each of which is, or will be, thirty-six (36) acres or more in area including to the center line of dedicated roads or easements, if any, contiguous to the lot or parcel.

“Town planner, planning and zoning administrator” means an individual who has been appointed by the common council of the town to work with the planning and zoning commission as its administrative officer.

“Utility easement” means an easement dedicated to the general public to install, maintain and access sewer, electric, gas and water utilities, which shall meet the width and location requirements stipulated by the utilities.

“Vicinity plan” means a map or chart showing the relationship of streets and lands within a proposed subdivision to the streets and lands in the surrounding area. (Ord. 2007-003 § 1; Ord. 2006-009 § 1; Ord. 40C § 1 (part), 1973: prior code § 15-2)

Chapter 16.12

PROCEDURE

Sections:

- 16.12.010 Notification of clerk of proposed development.
- 16.12.020 Preparation of vicinity plan.
- 16.12.030 Planning and zoning commission approval of vicinity plan.
- 16.12.040 Preparation of preliminary plan and engineering drawings.
- 16.12.050 Planning and zoning commission approval of preliminary plan.
- 16.12.060 Final plat preparation and presentation filing fee.
- 16.12.070 Planning and zoning commission approval of final plat.
- 16.12.080 Bond.
- 16.12.090 Council approval of final plat.
- 16.12.100 Recording of plat.
- 16.12.110 Vicinity plan.
- 16.12.120 Preliminary plan.
- 16.12.130 Platting requirements for final plats.

16.12.010 Notification of clerk of proposed development.

Any person wishing to subdivide land within the town shall notify the zoning administrator in writing of such intention. The zoning administrator shall furnish information pertaining to the town’s plan of streets, parks, drainage and zoning, and the extent of improvements which the subdivider will be required to construct along with other requirements affecting the land to be subdivided. (Ord. 2006-001 § 1; Ord. 40C § 1 (part), 1973: prior code § 15-3-1)

16.12.020 Preparation of vicinity plan.

After the subdivider has discussed his or her proposed development with the clerk or with the planner, if one has been appointed, he or she shall then prepare a vicinity plan at a scale of not smaller than one inch to five hundred (500) feet, and shall submit three copies of the same to the planning and zoning commission. (Ord. 40C § 1 (part), 1973: prior code § 15-3-2)

16.12.030 Planning and zoning commission approval of vicinity plan.

The commission shall review and shall approve or disapprove the layout of the subdivision, or approve it subject to modifications within thirty (30) days. (Ord. 40C § 1 (part), 1973: prior code § 15-3-3)

16.12.040 Preparation of preliminary plan and engineering drawings.

A. Upon approval of the vicinity plan by the planning and zoning commission, the subdivider shall prepare a preliminary plan of the subdivision and shall submit six copies of the plan to the planning and zoning commission. The subdivider shall also submit a like number of engineering drawings showing:

1. Typical cross sections of streets;
2. Designs and locations of curbs, gutters, sidewalks;
3. Location and size of both on-site and off-site water and sewer mains, and any other information or material required by the planning and zoning commission. This shall include a self-explanatory tabulated numerical listing of lots requiring backwater valves as outlined in Section 13.16.070.

B. Where a subdivider owns or controls more land than he or she wishes to develop immediately, the planning and zoning commission may require that a preliminary plan of the whole area be submitted, in which case the subdivider shall indicate on the preliminary plan the portion to be developed immediately and the portion to be held for future development. Whenever final approval has been obtained on any part of an approved preliminary plan, approval of the remaining part of said preliminary plan shall remain in effect for a period of one year and may be extended for another year by submission of the plan to the planning and zoning commission and obtaining approval from such commission. (Ord. 93 § 2, 1988; Ord. 40C § 1 (part), 1973: prior code § 15-3-4)

16.12.050 Planning and zoning commission approval of preliminary plan.

A. The planning and zoning commission shall obtain recommendations from the planner and engineer with respect to the plan, the utility companies with respect to easements for utilities and the health officer with respect to water supply and sewage disposal in the event that the subdivision is not to be served by a public water supply and a public sewage disposal system. The planning and zoning commission shall then review and approve, disapprove or approve the plan with modifications, and shall report their action to the council within sixty (60) days.

B. Approval or denial of the plan shall be based upon compliance or noncompliance with the town's comprehensive plan and zoning ordinance, and with the standards and conditions of approval as set forth herein, and as may be modified or extended by the council or the planning and zoning commission. Failure to act within sixty (60) days shall be deemed approval of the preliminary plan.

C. Action of the planning and zoning commission shall be written on the face of three copies of the plan, two of which shall be retained in the files of the clerk and one of which shall be returned to the subdivider. Approval of the preliminary plan by the planning and zoning commission constitutes authorization for the subdivider to proceed with the preparation of the final plat. If the preliminary plan is disapproved, the planning and zoning commission shall express its reasons therefor to the subdivider on the face of the copy of the plan which is returned to the subdivider. The council shall have the power to overrule the planning and zoning commission's approval or disapproval provided it first expresses its reasons for so doing to the planning and zoning commission, and gives the planning and zoning commission at least thirty (30) days to respond.

D. The preliminary plan, along with the engineering drawings, may be presented to the planning and zoning commission at the same time as the vicinity plan. (Ord. 40C § 1 (part), 1973: prior code § 15-3-5)

16.12.060 Final plat preparation and presentation filing fee.

A. After the preliminary plan has been approved, the subdivider shall then prepare and submit one tracing, one permanently reproducible copy, and three prints of the final plat of the subdivision to the planning and zoning commission. A written application for approval of the final plat on forms furnished by the planning and zoning commission shall also be submitted with the final plat. The permanently reproducible copy shall be filed in the office of the town clerk.

B. In the case of subdivisions located within the town, a checking fee as set forth in the town fee schedule for each subdivision shall be payable to the town. It shall be submitted at the time the final plat is submitted.

C. The per lot fee set forth in the town fee schedule shall be charged for each additional time the subdivision must be checked because of errors in closing. All field measurements shall close within five one-hundredths feet in ten feet. (Ord. 2006-001 §§ 2, 3; Ord. 40C § 1 (part), 1973: prior code § 15-3-6)

16.12.070 Planning and zoning commission approval of final plat.

A. The planning and zoning commission shall obtain the recommendation of the planner, if one has been appointed, and the engineer, with respect to the final plat and shall review, approve, disapprove or approve the plat with modifications. Recommendations from the health department shall also be obtained whenever all or part of the subdivision will not be served by a public water and sewer system. Approval of the final plat shall be based upon compliance or noncompliance with the preliminary plan, and with all other standards and conditions which the town has adopted with respect to subdivisions.

B. Minutes of the planning and zoning commission shall show the action taken. If approved, the chairman or his or her authorized representative shall sign the plat and shall indicate the date of approval. The original tracing of the final plat shall then be returned to the subdivider. (Ord. 40C § 1 (part), 1973: prior code § 15-3-7)

16.12.080 Bond.

The subdivider shall then post a bond or other assurance with the town in an amount which is at least equal to the cost of constructing all required improvements, as determined by the engineer. The purpose of the bond shall be to guarantee that the improvements shall be installed and paid for without cost to the town within two years from the date of approval. (Ord. 2006-001 § 4; Ord. 40C § 1 (part), 1973: prior code § 15-3-8)

16.12.090 Council approval of final plat.

The final plat shall then be submitted to the council for its approval or disapproval within thirty (30) days. (Ord. 40C § 1 (part), 1973: prior code § 15-3-9)

16.12.100 Recording of plat.

Upon approval of the final plat by the council, the council shall cause the approved plat to be recorded with the county recorder. Approval of the final plat by the planning and zoning commission shall not be deemed as the acceptance of the dedication of any street, public way, or ground by the town. Such dedication shall occur only upon approval by the council and the recording of the approved plat. If the subdivision lies in the unincorporated area of the county, but within three miles of the corporate boundaries of the town, the final plat must be endorsed by the board of supervisors of Apache County. (Ord. 40C § 1 (part), 1973: prior code § 15-3-10)

16.12.110 Vicinity plan.

The purpose of the vicinity plan is to show how the streets and utilities within the subdivision shall be coordinated with streets and utilities in the surrounding area. The vicinity plan shall show a simple sketch of the proposed layout of streets, lots and other features, in relation to the existing and planned streets within at least one-fourth mile of the subdivision. The plan may be pencil sketch or may be

made directly on an aerial photograph. The plan shall be prepared at a scale of one inch to one hundred (100) feet. (Ord. 40C § 1 (part), 1973: prior code § 15-4-1)

16.12.120 Preliminary plan.

The preliminary plan shall be drawn to a scale of one inch to one hundred (100) feet, and shall contain the following:

- A. The proposed name of the subdivision;
- B. The location of the subdivision as forming a part of a larger tract or parcel where the plan submitted covers only a part of the subdivider's tract;
- C. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the owner of the land immediately adjoining the land to be subdivided;
- D. Information sufficient to locate accurately the property shown on the plan, with reference to survey markers or monuments;
- E. Contour map at one foot intervals when required by the planning and zoning commission;
- F. The boundary lines of the tract to be subdivided;
- G. The location, width and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred (200) feet of the tract to be subdivided;
- H. Existing sanitary sewers, storm drains, water supply mains, and bridges within the tract, or within two hundred (200) feet thereof;
- I. The location, width and other dimensions of proposed streets, alleys, easements, parks and other open spaces, with proper labeling of spaces to be dedicated to the public;
- J. North point, scale and date;
- K. Engineering drawings, including typical cross sections, plans or written statements regarding the width and type of proposed pavement, location, size and type of proposed off-site and on-site water mains, sanitary sewers, drainage facilities, and other proposed improvements, such as sidewalks, curbs and gutters, parks and fire hydrants;
- L. An indication of the intended use of each lot in the subdivision;
- M. Copies of protective covenants or other documents limiting the use of the land or lots within the subdivision. (Ord. 40C § 1 (part), 1973: prior code § 15-4-2)

16.12.130 Platting requirements for final plats.

A. A final plat shall be prepared for all subdivisions. The plat shall consist of a sheet of approved tracing linen or mylar of convenient size. The plat shall be so drawn that the top of the sheet either faces north or west, whichever accommodates the drawings better. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black india drawing ink or equivalent. The actual map shall be made on a scale of one inch to one hundred (100) feet unless approved otherwise by the planning and zoning commission. Details and the workmanship on finished drawings shall be neat, clean cut and readable.

B. The subdivider shall furnish the planning and zoning commission with one permanently reproducible copy and three prints of the final plat when submitting the tracing.

- C. The final drawings or plats shall contain the following information:
- 1. Subdivision name and the general location of the subdivision;
 - 2. A north point and scale on the drawing and the date;
 - 3. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines;
 - 4. The names, widths, lengths, bearings and curve data on center lines of proposed public streets, alleys or easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines dimensions, bearings and

numbers of all lots; blocks and parks reserved for any reason within the subdivision. All lots and blocks are to be numbered consecutively under a definite system. All proposed streets shall be named or numbered in accordance and in conformity with the street naming and numbering system of the town;

5. The location of all required monuments;
6. The description and location of all monuments set and established by the county or the United States Government that are adjacent or near the proposed subdivision;
7. The standard forms approved by the planning and zoning commission lettered for the following:
 - a. Description of land to be included in subdivision,
 - b. Registered professional engineer or land surveyor's certificate of survey,
 - c. Owner's dedication,
 - d. Notary public's acknowledgment,
 - e. Planning and zoning commission's certificate of approval,
 - f. The council's certificate of acceptance attested by the clerk. (Ord. 40C § 1 (part), 1973: prior code § 15-5)

Chapter 16.16 DESIGN AND IMPROVEMENT REQUIREMENTS

Sections:

- 16.16.010 Streets and alley widths, cul-de-sacs and easements.
- 16.16.020 Blocks.
- 16.16.030 Lots.
- 16.16.040 Design specifications.
- 16.16.050 Improvement requirements.
- 16.16.060 Costs and charges in connection with the development of subdivisions.
- 16.16.070 School sites--Other public spaces.
- 16.16.080 Construction and maintenance of private roads and driveways by town prohibited.
- 16.16.090 Work to be done by engineer or surveyor.
- 16.16.100 Continuity of dead end streets protected.

16.16.010 Streets and alley widths, cul-de-sacs and easements.

A. Arterial and collector streets shall conform to the widths as shown in the comprehensive plan adopted by the council. Wherever there is any doubt regarding the required width of any street or highway, the following dimensions shall apply:

1. Minor street dedications shall have a minimum width of fifty (50) feet;
2. Collector street dedications shall have a minimum width of sixty (60) feet;
3. Arterial street dedications shall have a minimum width of eighty (80) feet;
4. State and federal highways shall have widths as required by the appropriate agency;
5. The minimum width of roadway wherever curb and gutters are installed, face-to-face of curb, shall be thirty-six (36) feet for minor or local streets, forty (40) feet or conformance to collector street plan, whichever is greater, for collector streets and for arterial streets sixty-six (66) feet or conformance to the arterial street plan, whichever is greater.

B. Alleys may be provided in residential areas, and shall be provided in business areas, except that the commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys shall be twenty (20) feet in width and alley intersections and sharp changes in alignment shall be avoided.

C. Cul-de-sacs, dead-end streets, shall be used only where unusual drainage or land ownership configurations exist which make other designs undesirable. Each cul-de-sac shall have a minimum

dedicated width of fifty (50) feet and shall be terminated by a turn-around which has a dedicated diameter of not less than one hundred (100) feet. Surface water must drain away from the turn-around, except that where surface water cannot be drained along the street away from the turn-around, due to the grade, necessary catch basins and drainage easements shall be provided.

D. Where alleys are not provided, easements of not less than eight feet on each side of all rear lot lines and side lines shall be required where necessary for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of main sewers or similar utilities.

E. Reverse curves shall be discouraged. Where essential, reverse curves shall have a tangent of at least one hundred (100) feet unless in the opinion of the planning and zoning commission such is not necessary.

F. Streets shall intersect each other as nearly as possible at right angles. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty (80) degrees. Offsets in street alignment between ten feet and one hundred twenty (120) feet shall be prohibited.

G. Minimum street grades of five-tenths of one percent shall be required, except that the planning and zoning commission shall have the power to require a steeper grade when in the opinion of the engineer the best development of the land is thereby secured.

H. Where the street lines within a block deflect from each other at any one point more than ten degrees, there shall be a connecting curve. The radius of the curve for the inner street line shall be not less than three hundred fifty (350) feet for arterial streets, two hundred fifty (250) feet for collector streets, and one hundred (100) feet for minor streets.

I. Curbs at all intersections shall be rounded with curves having a minimum radius of twenty-five (25) feet. Property lines at street intersections shall be rounded with a curve where necessary.

J. New street names shall not duplicate those already existing. A street, obviously a continuation of another already in existence, shall bear the same name.

K. All streets shall be dedicated for public use, except in an approved large scale development where a property owners association has been established which will maintain the streets in a manner comparable to streets that are maintained by the town. The dedication of half streets in any subdivision is prohibited, except on the borders of subdivisions.

L. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas or their proper protection where adjoining land is not subdivided at the same or greater width, but in no case less than the required minimum width unless variations are deemed necessary by the planning and zoning commission. Where the planning and zoning commission determines that it is desirable to provide for street access to adjoining property in order to provide an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property. (Prior code § 15-4-3)

16.16.020 Blocks.

The maximum length of blocks shall be one thousand three hundred (1,300) feet and the minimum length of blocks shall be four hundred (400) feet. In blocks over eight hundred (800) feet in length, the subdivider may be required to dedicate a passageway or alley through the block at approximately the center of the block. Such passageway or alley shall not be less than twenty (20) feet in width. The width of blocks shall be sufficient to allow two tiers of lots.

Blocks intended for business and industrial use shall be designed especially for such purposes with adequate space set aside for off-street parking and delivery facilities, and for loading and unloading. (Prior code § 15-4-4)

16.16.030 Lots.

A. The lot arrangement, design and shape shall be such that lots will provide a compact body of land for buildings and be properly related to topography and conform to requirements set forth herein.

Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.

B. All lots shown on the final plat must conform to the minimum requirements of the zoning ordinance for the zone in which the subdivision is located or else an amendment in the zoning ordinance or map need be obtained prior to approval of the final plat.

C. Each lot shall abut on an approved street or on an existing publicly dedicated street which is more than twenty-six (26) feet wide, except when approved by the planning and zoning commission as a large scale development. Interior lots having frontage on two streets shall be prohibited, except where topographic conditions make such design desirable.

D. Corner lots shall have dimensions sufficient for the maintenance of required building setback lines on both streets, along with sufficient area to comply with area requirements of the zone in which the subdivision is located.

E. Side lines of lots shall be approximately at right angles, or radial to the street line, except where conditions make it advisable to have side lot lines deflect at sharper angles.

F. All remnants of lots below minimum size left over after subdividing a larger tract shall be attached to adjacent lots, rather than be allowed to remain as unusable parcels.

G. Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer shall be recorded in the county recorder's office before being certified to the planning and zoning commission by the subdivider. (Prior code § 15-4-5)

16.16.040 Design specifications.

Specifications for the design of street sub-base, base, hard surfacing, curb and gutters, sidewalks, and the treatment of drainage courses shall comply with standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer. (Ord. 2006-008 § 1: prior code § 15-4-6)

16.16.050 Improvement requirements.

The council shall not approve a final plat until the subdivider provides a bond or other assurance satisfactory to the council that improvements shall be installed. The purpose of the bond or other assurance is to ensure construction of the required improvements within two years from date of approval of the subdivision without cost to the town. The required improvements shall include the following:

A. The grading, graveling, hard surfacing and installation of culverts in compliance with standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer;

B. The installation of water lines, fire hydrants, water meters, sewer and gas lines in compliance with standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer;

C. Electric and telephone lines shall be located underground, except that such lines may be located above ground when the subdivider can show the planning and zoning commission that underground lines are not feasible; 16.16.050

D. The installation of survey monuments in accordance with standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer. (Ord. 2006-008 §§ 1--4; prior code § 15-4-7)

16.16.060 Costs and charges in connection with the development of subdivisions.

Cost of improvements which are required under the provisions of this chapter, as well as the cost of other improvements which the subdivider may install, shall be shared between the subdivider and the town according to the following schedule:

Facility	Developer	Town
Bridges	100% for all minor streets	0%
Curb and gutter, and curb cuts	100%	0%
Easements and rights-of-way “on-site” and “off-site”	100%	0%
Electric utilities	100% for easements and rights-of-way	0%
Grading and drainage of streets “off-site”	Special negotiations with council	Special negotiations with council
Grading and drainage of streets “on-site”	100% for all minor and collector streets	100% for all grading and drainage required by town over costs of grading and drainage of collector streets
Monuments	100%	0%
Sewer mains	All costs up to and including eight inch mains	All costs for water mains over eight inches in diameter when required by the town
Sidewalk	100%	0%
Storm drains, canal and flood channel protection	100%	0%
Street lighting	100% for easements and rights-of-way	Maintenance after installation by utility company
Street paving	100% for all minor streets and for collector streets and arterial streets up to forty feet of pavement width	All required width of paving over forty feet for major streets when required by the town
Street signs	100% of cost as per town specifications	Town may make and install signs at cost to developer
Water mains	All costs up to and including six inch mains	All costs for water mains over six inches in diameter when required by the town

(Prior code § 15-4-8)

16.16.070 School sites--Other public spaces.

In subdividing property, consideration shall be given to sites for schools, parks, playgrounds and other areas for public use, as shown on the town’s comprehensive plan. Any provision for such open spaces shall be indicated on the preliminary plan in order that it may be determined in what manner such areas will be dedicated to, or acquired by, the appropriate agency. (Prior code § 15-7-1)

16.16.080 Construction and maintenance of private roads and driveways by town prohibited.

A. The town shall not open, grade, pave or perform any maintenance work on any private or undedicated street or alley, and the town shall refrain from laying utility lines in any street which has not been accepted by the council as a public street or alley, or which has not received the approval of the council as part of a final plat of a subdivision, unless an easement is granted therefor.

B. The town shall not accept or maintain streets or other public ways unless said streets have been constructed in accordance with standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer. (Ord. 2006-008 § 5; prior code § 15-7-2)

16.16.090 Work to be done by engineer or surveyor.

All engineering work or surveying of property shall be done by or under direction of a registered professional engineer or land surveyor registered in the state of Arizona. (Prior code § 15-7-3)

16.16.100 Continuity of dead end streets protected.

When a proposed subdivision has a street which terminates against the private property of an individual, other than the subdivider, a strip of land at least one foot wide across the entire end of the subdivider's proposed street and on the subdivider's property shall be platted as a lot and the lot shall be deeded to the town as a lot in the proposed subdivision for future street purposes. (Prior code § 15-7-4)

Chapter 16.20

PERFORMANCE GUARANTEES

Sections:

16.20.010 Type and amount of guarantee.

16.20.020 Duration.

16.20.030 Default.

16.20.040 Final inspection and release.

16.20.010 Type and amount of guarantee.

The type of guarantee shall be in the form of a performance bond, or other assurance equal to the cost of the required improvements plus ten percent as determined by the town engineer. The subdivider shall furnish an estimate of the cost of constructing the required improvements. The estimate shall be prepared by an engineer registered to practice in the state of Arizona and approved by the town engineer. (Prior code § 15-6-1)

16.20.020 Duration.

A. The duration of the performance bond or other assurance shall be for not less than two years from the date of approval of the final plat of the subdivision by the council.

B. An extension of time may be granted by the council upon application by the subdivider, provided such application is submitted at least sixty (60) days prior to the expiration of the bond or other assurance and provided the issuer of the bond or other assurance is willing to extend the time of the assurance. (Prior code § 15-6-2)

16.20.030 Default.

If the subdivider defaults or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the final plat by the council, the council may declare the bond or other assurance forfeited and the town may install or cause the required improvements to be

installed, using the proceeds of the collection of the bond or other assurance to defray the expense thereof. (Prior code § 15-6-3)

16.20.040 Final inspection and release.

The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the zoning administrator or authorized representative shall make a preliminary inspection of the improvements and shall submit a report to the council, setting forth the conditions of such facilities. If all liens are paid, and other conditions thereof are found to be satisfactory, the council shall release the bond. If the condition of materials or workmanship shows unusual depreciation or does not comply with town standards, or if any outstanding liens are not paid, the council may declare the subdivider in default. (Ord. 2006-001 § 5; prior code § 15-6-4)

Chapter 16.24

SUBDIVISIONS WITHIN THREE MILES OF TOWN LIMITS

Sections:

- 16.24.010 Written notice and submission of preliminary plan.
- 16.24.020 Projection of streets and alleys--Costs.
- 16.24.030 Duty of subdivider.
- 16.24.040 Additional contents of map.
- 16.24.050 Filing of map or plat.
- 16.24.060 Hearing by the board of supervisors.
- 16.24.070 Approval by the board of supervisors.
- 16.24.080 Amendments to plat.
- 16.24.090 Nonacceptance by owner--Projection expenses.
- 16.24.100 Subdivision name.
- 16.24.110 Title to property reserved to public use.
- 16.24.120 Acceptance of plat by recorder.
- 16.24.130 Conveyance by reference to plat--Restriction.

16.24.010 Written notice and submission of preliminary plan.

When the owner of land, the whole or part of which lies in the unincorporated area within three miles of the corporate limits of the town, desires to subdivide such land, he or she shall file an application with the planning and zoning commission on forms furnished by the commission. In addition to the written notice, the subdivider shall submit to the planning and zoning commission a preliminary plan of the land showing the manner in which he or she desires to subdivide the land. (Prior code § 15-9-1)

16.24.020 Projection of streets and alleys--Costs.

A. The town may, if it desires that the streets or alleys of the tract conform with the projected streets or alleys of the town, project the lines of such streets and alleys to the nearest outer boundary lines of the subdivision and thereon mark the same. The town shall supply the subdivider with the courses of the lines. The town shall bear the costs of projecting the lines and establishing the courses thereof.

B. The town may submit a written report to the subdivider, recommending changes in the submitted plan of the location or dimension of streets, alleys, parks, easements for rights-of-way or property intended to be devoted to the use of the public. One copy of such report shall be furnished to the board of supervisors of Apache County.

C. The report, or the projection of street and alley lines, or both, shall be submitted to the subdivider within thirty (30) days from the date that the notice of intention to subdivide is delivered to the town. (Prior code § 15-9-2)

16.24.030 Duty of subdivider.

The subdivider, when furnished with a written report or the projection of street and alley lines, or both, shall cause the land to be subdivided into lots, blocks, streets, alleys, parks and parkways, so as to reasonably conform to the report and projected lines and the courses thereof, and shall prepare in duplicate an accurate map or plat thereof on cloth, drawn and attested to by a civil engineer from his or her survey of the ground. The engineer shall, in making the survey, leave sufficient permanent monuments so that another surveyor or engineer may retrace his work. The nature and location of the monuments shall be plainly shown on the map. (Prior code § 15-9-3)

16.24.040 Additional contents of map.

The final plat shall particularly set forth and describe the following:

A. Parcels of ground within the tract or subdivision to be used for public purposes or offered for dedication for public uses, and their dimensions, boundaries and courses;

B. Evidence that the proposed use of land and size of lots conforms to the provisions of the zone in which the land is located;

C. Designated either by number or letter, lots intended for sale, or reserved for private use, and their dimensions, boundaries and courses;

D. The location of the subdivision and lots therein with reference to adjacent subdivisions, the maps and plats of which have been previously recorded, or if none, then with reference to corners of a United States survey, or if on land unsurveyed by the United States, then to some prominent artificial monument established for such purpose. (Prior code § 15-9-4)

16.24.050 Filing of map or plat.

One copy of the map or plat shall be filed with the town and the other copy filed with the board of supervisors of Apache County together with an application for the approval of the map or plat. (Ord. 2006-001 § 6; prior code § 15-9-5)

16.24.060 Hearing by the board of supervisors.

A. Pursuant to statutes, the board of supervisors may set the application for hearing not less than fifteen (15) nor more than thirty (30) days from the date of filing of the map or plat, and application with the board, and shall cause written notice thereof to be given to the town, as provided in Arizona Revised Statutes 9-475.

B. The town may appear at the hearing and show cause why the application should not be granted. (Prior code § 15-9-6)

16.24.070 Approval by the board of supervisors.

Pursuant to statutes, if it appears to the board of supervisors that the plan or map reasonably conforms to legal requirements, and to the provisions of the comprehensive plan, it may approve and endorse the approval upon the map or plat, and transmit it to the county recorder for filing. (Prior code § 15-9-7)

16.24.080 Amendments to plat.

If at the hearing it is determined by the board of supervisors that corrections, additions or amendments in any respect shall be made to the map or plat, then the map or plat shall be prepared by the subdivider in accordance with the amendments, corrections or additions, and the consent of the subdivider and the board of supervisors shall be endorsed thereon and filed with the county recorder. (Prior code § 15-9-8)

16.24.090 Nonacceptance by owner--Projection expenses.

If the subdivider declines to accept the amendments, additions or corrections, he or she shall pay to the town the actual engineering expenses incurred in the preparation of the projections. (Prior code § 15-9-9)

16.24.100 Subdivision name.

A name, title or designation of the subdivision shall be placed on the plat and acknowledgment thereof shall be made by the subdivider. No title, name or designation shall be given that is the same as that of a subdivision in a city or town in the same county of which a plat or map has been recorded. (Prior code § 15-9-10)

16.24.110 Title to property reserved to public use.

Upon the filing of the plat or map, the fee of all streets, alleys, parks and other parcels of ground reserved therein to the use of the public, shall vest in the public. (Prior code § 15-9-11)

16.24.120 Acceptance of plat by recorder.

No plat or map may be accepted by the county recorder for filing unless it complies with the provisions of Arizona Revised Statutes, Title 9, Article 7, but if a subdivider has given to the town written notice of intention to subdivide and the town has failed or refused within the time specified in the article above mentioned to project the lines of its streets and alleys and to supply the courses thereof, then the subdivider may file with the county recorder the plat or map of the subdivision in conformity with law, attaching thereto the sworn statement of the subdivider of the proceedings. (Prior code § 15-9-12)

16.24.130 Conveyance by reference to plat--Restriction.

No property shall be sold or described in a conveyance or other instrument by reference to any map or plat of a subdivision comprehended within the provisions of Arizona Revised Statutes, Title 9, Article 7, unless the map or plat has been prepared and filed under the provisions of such Title 9, Article 7. (Prior code 15-9-13)

Chapter 16.28

AMENDMENTS AND REVERSIONS

Sections:

16.28.010 Amendments and reversions.

16.28.020 Provisions for amendment or reversion.

16.28.030 Procedures for amendment or reversion.

16.28.040 Fees and filings.

16.28.010 Amendments and reversions.

A developer or the owner of record of an existing subdivision may subdivide property already totally or partially included in a previously recorded subdivision, or consolidate the property into a larger acreage in accordance with the regulations set forth in this chapter. (Ord. 2006-001 § 7 (part))

16.28.020 Provisions for amendment or reversion.

A. No amendment or reversion shall occur in an existing subdivision that is currently constrained by covenants, conditions and restrictions or has developed controls regulated by an active home owners association that would specifically be in conflict with rule and/or authority, unless:

1. The applicable covenants, conditions and restrictions are amended through the proper directives pursuant to the covenants, conditions and restrictions, if any exist, or through a majority decision by the property owners within the subdivision;

2. The developer, as total or majority land holder, legally abolishes any applicable covenants, conditions or restrictions that would prevent such an action;

3. The developer obtains a majority of written signatures from other properties within the subject subdivision stating that these property holders are not objecting to the amendment or reversion.

B. No party within the subject subdivision or adjacent property holder shall be denied access by the amendment or reversion to acreage.

C. Provision shall be made to retain existing utility easements and necessary roadways, easements and dedication as deemed appropriate by the planning and zoning commission.

D. Prior to subdividing property located on an existing recorded subdivision, an amendment or reversion to acreage plat shall be prepared, reviewed, approved and recorded in the Apache County recorder's office pursuant to Sections 16.28.030 and 16.28.040 of this chapter. (Ord. 2006-001 § 7 (part))

16.28.030 Procedures for amendment or reversion.

A. The developer or land holder shall submit to the zoning administrator a letter of intent describing the reasons and future use of the affected property along with an amended or reversion to acreage plat indicating the following:

1. For amended plats, the title "AMENDED" shall appear on each sheet that is to be filed for recordation. The title of the subject subdivision shall follow the term "AMENDED." For reversion to acreage plats, the title "REVERSION TO ACREAGE" shall appear on each sheet that is to be filed for recordation. The title of the subject subdivision shall follow the term "REVERSION TO ACREAGE";

2. In addition to the acknowledgement and dedication, the amended plat shall have affixed to it the seal of a registered land surveyor that is properly licensed and registered in the state of Arizona and who is preparing the plat. The amended plat shall also have affixed to it the license/registration of the registered land surveyor. All basic criteria in the preparation of a plat map shall apply;

3. That portion of the subject subdivision that is to be amended or deleted shall have all appropriate bearings and distances indicated and the boundary shall be in contrast to other boundaries or lot lines by having a noticeably heavier line thickness;

4. Amended or reversion to acreage plats shall indicate those easements that will remain apart from the abandonment. The developer or land holder shall be responsible for contacting the applicable utility companies and letter(s) from the utility companies indicating their approval shall be received prior to the planning and zoning commission taking any action;

5. The plat shall include signature lines for the chairperson of the planning and zoning commission, mayor and notary on behalf of the acknowledgement and dedication.

B. To amend an existing subdivision, the developer or land holder shall also provide the zoning administrator with letter(s) from utility companies approving the action, a petition or letters from the majority of the owners within the subdivision approving the action, and an "AMENDED" or "REVERSION TO ACREAGE" plat.

C. Upon receipt, review and acceptance of the application by the zoning administrator, the proposed reversion shall be considered by the planning and zoning commission at the next regularly scheduled meeting if the proposal is received at least thirty (30) days in advance.

D. The zoning administrator or authorized representative shall conspicuously post a notice on the subject property at least fifteen (15) days prior to the meeting during which the application is to be considered.

E. The planning and zoning commission, after review of the filing shall recommend approval, denial, approval subject to modification requirements, or table the proposal for additional information. Approval or denial of the plan shall be based upon compliance or noncompliance with

the town's comprehensive planning and zoning ordinance, and may be modified or extended by the planning and zoning commission or the town council.

F. After receiving a written recommendation for approving the amendment or reversion from the planning and zoning commission, the town council shall approve, deny or table the proposal. In receiving an approval, the petitioner shall receive the signature of the mayor.

G. The petitioner shall bear the responsibility for recordation of the approved plat(s) in the Apache County recorder's office. Such recordation shall be requested by petitioner no later than thirty (30) days from the date of the approval of the plat(s). (Ord. 2006-009 § 3; Ord. 2006-001 § 7 (part))

16.28.040 Fees and filings.

A. The application fee shall be set forth in the town fee schedule. No part of the application fee or other costs incurred during the application process shall be returnable.

B. Any and all fees for notice of public hearings, fees for recording and other costs associated with the amendment or reversion process shall be the responsibility of the developer or landholder requesting such amendment or reversion.

C. The petitioner shall bear the responsibility for recordation of the approved plat(s) in the Apache County recorder's office. Such recordation shall be requested by petitioner no later than thirty (30) days from the date of the approval of the plat(s). (Ord. 2006-001 § 7 (part))

Chapter 16.32

Minor Land Divisions

Sections:

- 16.32.010 Purpose.
- 16.32.020 Application, Submittal and fees.
- 16.32.030 Requirements for minor land divisions.
- 16.32.040 Review criteria.
- 16.32.050 Approval.
- 16.32.060 Appeals.
- 16.32.070 Dedications.
- 16.32.080 Exemptions.

16.32.010 Purpose.

The purpose of this section is to provide a process to divide land into two or three or fewer lots, tracts, parcels, sites or divisions with a level of review to ensure the division of land complies with zoning ordinances, zone maps and does not constitute a subdivision as defined by Arizona Revised Statutes 9-463. (Ord. 2006-009 § 4 (part))

16.32.020 Application, submittal and fees.

A minor land division application shall be filed with the zoning administrator on a form provided by the zoning administrator.

A. Prior to the recordation of a deed and survey map dividing land into two or three parcels of land, for the purpose of sale, lease, or transfer of ownership shall submit a minor land division application to the zoning administrator.

B. The fee for land split or minor land division applications shall be set by resolution of the town council in the town fee schedule. (Ord. 2006-009 § 4 (part))

16.32.030 Requirements for minor land divisions.

The division of improved or unimproved land into two or three tracts or parcels of land for the purpose of transfer, sale or lease may be allowed subject to the following requirements:

A. Each lot or parcel shall comply with minimum applicable town zoning requirements and have recorded access, including utility easements.

B. No lot proposed to be created through the minor division of a parcel shall be sold until a recorded deed and survey map showing the division has been approved by the zoning administrator as complying with all applicable provisions of this chapter.

C. The legal descriptions and map shall be prepared by a registered land surveyor (R.L.S.) and shall include:

1. The boundaries of the section (or portion thereof) within which the minor land division lies;
2. The boundary lines of the minor land division and the lots within it; including their bearings and distances.
3. Location and width of all easements within and bordering the minor land division;
4. Width of easements and streets bordering the property indicating whether they are public or private.

D. The map shall be of a format acceptable to the Apache County Recorder as per Arizona Revised Statutes 11-481.

E. The survey requirement may be waived by zoning administrator in areas where aliquot descriptions based upon the public land survey system may be used to describe the minor land division and satisfy the all provisions herein.

F. Access to each parcel shall be by a recorded public or private street, or a recorded private driveway easement, as defined by this section.

1. A private driveway easement shall have a minimum width of thirty (30) feet.
2. Public streets to be maintained by the town shall have a minimum width of fifty (50) feet and be constructed to standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer, and then adopted or accepted by the town council prior to sale of any of the divided lots. (Ord. 2006-009 § 4 (part))

16.32.040 Review criteria.

A. The deed and survey map shall conform to the requirements of all applicable town zoning regulations. In addition:

1. The design, shape, size, and orientation of the tracts should be appropriate for the use intended and to the character of the area in which they are located.
2. Alignment of any road created in a land division shall be designed in conformance with the standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer, with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety and the use of the land so divided.
3. The zoning administrator may require an arrangement of the tracts and roads such as to permit a subsequent re-division in conformity with streets and plans adopted by the town.
4. Resulting lots should not be divided by the boundary of any zoning designation or public right-of-way.

B. To approve a minor land division, the zoning administrator must find the following conditions exist:

1. The property is not part of a town approved subdivision plat.
2. Ownership of the property being split is demonstrated through a deed or other acceptable documents showing ownership and legal access to the parcel.
3. The newly-created parcels shall meet the minimum lot size required by the applicable zoning district.

4. The newly-created parcels shall meet minimum access standards required by this chapter, the town engineer and/or the Arizona Department of Transportation. In cases where a lot does not abut a dedicated street access shall be by a recorded easement as defined in this chapter. (Ord. 2006-009 § 4 (part))

16.32.050 Approval.

A. Upon receipt of the submitted documents, the zoning administrator shall review them to determine their completeness. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies and informed the application will not be formally accepted for processing until the missing items are submitted.

Upon receipt of the completed application, the zoning administrator shall:

1. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary;

2. Review the submitted survey map and supplemental information to determine compliance with all town regulations and prepare a report, which shall include comments received from other departments;

3. If the division does not result in a subdivision as defined, the zoning administrator shall approve, conditionally approve, or deny the application within fifteen (15) working days from the date a completed application was filed unless the applicant consents to an extension of the review period in writing.

B. Where the resulting parcels do not meet the review criteria, the deficiencies shall be noted on the recorded deed and survey map. Nothing herein shall be construed to create a right or expectation of such approval and no building or use permit may be issued by the town until the parcel has met the review criteria or been granted a variance by the board of adjustments. It shall be the responsibility of the landowner to remedy all deficiencies.

C. If the application is approved, the zoning administrator shall attach the following signed and dated certification to the approved record plat:

I, _____, Zoning Administrator of the Town of Springerville, certify that this plat creates a minor land division subject to and approved in accordance with the Town of Springerville Subdivision Ordinance.

(Ord. 2007-003 § 2; Ord. 2006-009 § 4 (part))

16.32.060 Appeals.

Any applicant who is dissatisfied or aggrieved by the decision of the zoning administrator or the planning and zoning commission, may appeal such decision to the board of adjustment by filing a written notice of appeal with the zoning administrator no later than fifteen (15) days from the date of the decision. (Ord. 2006-009 § 4 (part))

16.32.070 Dedications.

A. If the approved deed and survey map shows or otherwise includes a dedication of any rights-of-way for roads, utilities and associated public improvements, the zoning administrator shall also attach the following signed and dated certification to the approved record plot:

The Town of Springerville hereby accepts, for the use and benefit of the general public, the rights-of-way shown or otherwise provided for on this plat as dedicated for public roads and associated public improvements. This acceptance does not include the Town's acceptance of any responsibility to construct, install, or maintain the roadway or other public improvement intended to be constructed or installed within the right-of-way.

B. Recordation of an approved plat with the above signed certification shall constitute public acceptance of the public dedication, authorizing the use of the dedicated right-of-way for public road access and associated public purposes. (Ord. 2006-009 § 4 (part))

16.32.080 Exemptions.

Other than proof of recorded access, the requirements of this chapter shall not apply to a minor subdivision for which the owner and grantee certify the applicability of each of the following conditions:

1. The grantee of each lot is the child or child and spouse, or grandchild or grandchild and spouse of the owner;
2. No consideration shall be paid for any of the lots;
3. The purpose of the minor subdivision is not to circumvent the provisions of the town subdivision ordinance and that none of the lots shall be conveyed to third parties for a period of not less than three years.

If the zoning administrator determines that such a map or plat intended to be presented to the recorder's office for recording does not fall with the regulations of this ordinance, the director shall attach the following signed and dated certification to the map or plat:

I. _____, Zoning Administrator of the Town of Springerville, certify that this plat does not create a subdivision subject to the Town Subdivision Ordinance, and that it meets all statutory requirements for recording.

(Ord. 2006-009 § 4 (part))